United Nations A/C.4/73/SR.3

General Assembly
Seventy-third session

Official Records

Distr.: General
30 November 2018

Original: English

Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 3rd meeting
Held at Headquarters, New York, on Tuesday, 9 October 2018, at 3 p.m.

Chair: Mr. Kemayah, Sr. ..... (Liberia)

Contents

Agenda item 59: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*)*

Agenda item 60: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (*continued*)*

Agenda item 61: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*)*

Agenda item 62: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*)*

Agenda item 63: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)*

Agenda item 63: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of representatives of Non-Self-Governing Territories and petitioners

* Items which the Committee has decided to consider together.

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (dms@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org/).

18-16845 (E)

Please recycle

The meeting was called to order at 3.10 p.m.

Agenda item 59: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*) (A/73/23 (chaps. V and XIII) and A/73/64)

Agenda item 60: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (*continued*) (A/73/23 (chaps. VI and XIII))

Agenda item 61: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*) (A/73/23 (chaps. VII and XIII) and A/73/70)

Agenda item 62: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*) (A/73/73)

Agenda item 63: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*) (A/73/23 (chaps. VIII, IX, X, XI, XII and XIII), A/73/70 and A/73/219)

1. **Mr. Santos Maraver** (Spain) said that the continued status of Gibraltar as the last colony in Europe was all the more unjustifiable since the administering Power, the United Kingdom, was a Spanish ally in many other areas. Under the Treaty of Utrecht, Spain had ceded to the United Kingdom only the town and castle of Gibraltar, together with its port, fortifications and forts, without ceding Territorial waters or Territorial jurisdiction. Yet, ignoring the terms of that Treaty, the United Kingdom had illegally occupied the isthmus and surrounding waters. The British occupation was contrary to international law and violated the integrity of Spanish territory; therefore, Spain would continue to request restitution until decolonization had been completed.

2. The General Assembly and the Fourth Committee had mandated Spain and the United Kingdom to begin negotiations on ending the colonial situation, specifying in a series of resolutions that the decolonization of Gibraltar must be governed by the principle of territorial integrity rather than the principle of self-determination, and setting 1 October 1969 as the deadline for decolonization. Those negotiations could only take place with full respect for international law and within the framework of established United Nations doctrine. However, in that connection, the administering Power had behaved erratically. It had deliberately ignored United Nations resolutions when it had held a referendum on questions of sovereignty in 1967, which had been condemned by the General Assembly in its resolution 2353 (XXII). It had unilaterally suspended negotiations after appearing to move towards a mutually acceptable solution. No progress had been made in over fifty years. Given the successful decolonization of other British Territories, it was clear that the fundamental obstacle was the Government's lack of political will.

3. Focusing exclusively on issues of sovereignty would reduce that serious problem to a conflict between Governments. In reality, the presence of a colony within Spain produced harmful effects beyond the political sphere. Gibraltar's special tax regime distorted the region's economy to the detriment of the Treasuries of Spain and Europe. While his Government felt that the prosperity of Gibraltarians could help to improve relations and provide social and economic benefits, it would not allow the economic imbalance to be used to harm the economy, environment or public safety of Campo de Gibraltar, particularly by enabling the illicit trafficking of tobacco. Spain remained open to dialogue and was ready to reach an agreement with the United Kingdom in order to form a new regional partnership.

4. Lastly, in the wake of the decision by the United Kingdom to leave the European Union, his Government hoped that the forthcoming relationship between Gibraltar and the European Union, which would inevitably pass through Spain, would benefit Campo de Gibraltar and the inhabitants on both sides of the border. Spain would continue to defend the rights and interests of those Spaniards, who were most affected by the problems arising from the colonial situation.

Agenda item 63: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of representatives of Non-Self-Governing Territories and petitioners

5. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and petitioners would be invited to take a place at the petitioners' table, and all would withdraw after making their statements.

Question of French Polynesia (A/C.4/73/2 and A/C.4/73/2/Rev.1)

6. **Mr. Fritch** (President of French Polynesia) said that French Polynesia was a free, democratic and autonomous country, as was written in article 1 of its autonomy statutes. It was in no way a colony; it did not suffer oppression, and its natural resources were not confiscated by France. If the remarks made by pro-independent Polynesians were true, there would be ample proof shared on social media. Given that the Committee was lacking objective information, he invited it to visit the islands to assess the political, economic and social situation directly. Furthermore, he strongly refuted the report, presented to the Committee on 4 October 2016, which claimed to be an independent self-governance assessment. The author, a United States national, had been an employee of a pro-independence group and had never met with Polynesian institutional authorities. He therefore solemnly requested that the Committee no longer reference that report.

7. In May 2018, French Polynesia had held general elections, which had been observed by the Pacific Islands Forum. Pro-autonomy candidates had won a majority, holding 39 of 57 seats in the Assembly, and he had been elected to serve another five-year mandate. The pro-independence party now represented 23.1 per cent of voters, down from 29.3 per cent in 2013. While the elections were not a vote on self-determination, they provided a good indication of the opinion of the Polynesian people, which had reaffirmed its choice and its right to remain an autonomous country within the Republic of France.

8. France was an indispensable partner in the harmonious development of French Polynesia. The Government continued to provide security and protection, particularly for the Polynesian exclusive economic zone; financed 90 per cent of the education system and paid the salaries of teachers in public and private schools; and had established a land tribunal to address the lack of land division, which was essential to agricultural development. French Polynesia also requested the financial and technical assistance of France in a number of other areas. It chose to prioritize partnership and cooperation with France and recognized that the State was a good and loyal partner.

9. **Mr. Rohfritsch** (Vice-President of French Polynesia) said that his Government was embarrassed by the local political infighting that was on display before the Committee when many minorities were experiencing overwhelming suffering around the world. Representatives of his Government were attending the meeting in an effort to convince the Committee that Polynesians were not oppressed by an administering Power. Although they had been colonized through treaties and armed conflicts, they had not been enslaved or sent to labour camps. A significant majority of Polynesians were committed to the French Republic, as every election confirmed. The country was progressing at its own pace towards greater autonomy through frank, continuous dialogue with France.

10. French Polynesia was an autonomous, peaceful society that did not require a humanitarian mission. Its gross domestic product was among the highest in the region. It had a cutting-edge health infrastructure and a universal education system financed by France. Of course, unemployment and poverty persisted, but they were the result of a globalized economy that prioritized growth over equitable distribution. The greatest challenge faced by his Government was to support sustainable development in a country spread across the ocean so that future generations could remain on the islands and live in dignity.

11. History would judge whether the nuclear tests conducted by France were an act of colonialism. The French Government had recognized the impacts of nuclear testing and had established a reparations programme, albeit one that could be improved. However, supporting the Republic did not mean blindly supporting every decision made by the State; the Polynesian people were free to engage in debate.

12. As a member of the Pacific Islands Forum, French Polynesia was working to combat the effects of climate change and the over-exploitation of fishing resources. The greed and arrogance of humanity and the disregard for climate agreements and ocean protection would cause the peoples of the Pacific to be swallowed up by the oceans. He wondered whether it could then be argued that French Polynesia was under the yoke of 7 billion colonists. In addition, its exclusive economic zone, which was monitored by the French Navy, had been reserved for sustainable fishing and was a sanctuary for marine mammals and protected species.

13. French Polynesians believed in the right to self-determination, which had been granted to them under the French Constitution, and a significant majority were satisfied with autonomy, as was their fundamental right.

14. **Mr. Tong Sang** (President, Assembly of French Polynesia) said that the Assembly of French Polynesia was an autonomous organization that respected the separation of powers and was guaranteed by article 74 of the French Constitution.

15. The parliamentarians had been working tirelessly to build a modern, prosperous and united country, and the Assembly had resumed relations with other parliaments in the region. It had been invited to collaborate in the work carried out by New Zealand, Australia and China and had received visits from representatives of the Governments of Vanuatu and the United States of America. In addition, he had recently participated in the meetings of the Pacific Parliamentary Partnership organized by Indonesia.

16. Governments in the Pacific region clearly recognized the autonomous position held by French Polynesia, as did the United Nations. He had also been contacted by the United Nations Development Programme to assist in providing support to parliaments in the region. The Organization could count on all representatives of the Assembly of French Polynesia to share their parliamentary and democratic experience in that regard.

17. **Ms. Tetuanui** (Member of the Senate of France and Member of the Assembly of French Polynesia), speaking as Chair of the French extra-parliamentarian follow-up commission on financial compensation for the victims of nuclear testing, said that, in 2016, the former President of France, François Hollande, had officially recognized the health and environmental impacts of nuclear testing. Additionally, the 2017 Élysée Accord had acknowledged the commitment and support of the State on the nuclear issue. The people of French Polynesia must now move forward in building a future, without forgetting their history. With assistance from France, the Government was monitoring the atolls, rehabilitating the environment and providing the best available care to Polynesians affected by possible radiation-induced illnesses.

18. With regard to the right to compensation for victims of nuclear testing, she and her colleagues had become actively involved in amending the overly complex Morin Law and improving the compensation programme. That work was being carried out in collaboration with the relevant national organizations in a transparent, rigorous and objective manner, and all people had the right to express themselves freely on the issue.

19. **Mr. Tokoragi** (Municipality of Makemo Atoll in the Tuamotu Archipelago) said that he was a member of the Assembly of French Polynesia and the mayor of Makemo, a low-lying atoll with 800 inhabitants located 600 km from Tahiti. The necessary infrastructure was in place to facilitate the daily lives of its inhabitants, including electricity, drinking water, landline and cellular telephone networks and a submarine Internet cable. There was also a middle school, an infirmary, two sports centres, an airfield and a quay.

20. As part of a policy of territorial contiguity that had been in place for over 30 years, the Government covered the cost of freight so that basic necessities could be sold at the same price across the islands. It also covered the cost of air transport to medically evacuate people suffering from serious illnesses. In addition, 2,000 students were transported to school by air, which was financed by the Government in partnership with France. Human and maritime security were also ensured through a partnership with the State of France, which helped to monitor 5.5 million square kilometres of ocean territory. The Government sought to provide every Polynesian citizen with equal access to essential public services and basic commodities, regardless of location, which was possible because it established its own economic, social, environmental and cultural policies.

21. **Mr. Maraea** (Ma'ohi Protestant Church) said that the Church supported the position taken by the World Council of Churches at its First Assembly in 1948, during which it had referred to warfare with nuclear weapons as a sin against God and a degradation of man. Nuclear tests had been carried out in the Territory of Ma'ohi Nui between 1966 and 1996, long after the French Government had become aware of the severe health effects of radioactive fallout. The tragic consequences of those crimes against humanity could still be felt across the Pacific region.

22. The Ma'ohi Protestant Church had been at the forefront of the struggle to oppose nuclear testing in Ma'ohi Nui since the 1990s and had been consistently vocal in highlighting the health and environmental impacts. The French Government must take responsibility for the harm done and ensure adequate reparations for those crimes. The Church was submitting a complaint with the Human Rights Council and called on the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to undertake a fact-finding mission with a view to determining the health, environmental and genetic impacts of the French nuclear tests conducted in Ma'ohi Nui.

23. **Mr. Pihaatae** (Pacific Conference of Churches) said that in 2011, leaders of the Pacific Conference of Churches had adopted a resolution to promote the reinscription of Ma'ohi Nui on the list of Non-Self-Governing Territories. Since 1970, the Conference had continually supported the Ma'ohi Protestant Church on the issue of French nuclear testing and the related health, environmental, social and economic impacts. His organization called on the Special Rapporteur on the promotion of truth, justice,

reparation and guarantees of non-recurrence to undertake a fact-finding mission in the Territory. Those human rights violations continued to have serious implications for the people of Ma'ohi Nui and society as a whole. Redress had been grossly inadequate; hundreds of claims for radiation-induced illnesses had been rejected by Paris. In that connection, the Conference fully supported the complaint submitted by the Ma'ohi Protestant Church to the Human Rights Council.

24. **Mr. Prove** (World Council of Churches) said that the World Council of Churches had long supported the efforts of the Ma'ohi Protestant Church to achieve the decolonization of French Polynesia and to promote justice and care for those suffering as a result of the nuclear tests conducted in the region. The Council's central committee had explicitly affirmed its support for the reinscription of French Polynesia on the list of Non-Self-Governing Territories. Although French Polynesia was a semi-autonomous Territory, France continued to exert influence on many essential domestic and international matters, such as defence and external affairs. As a result, Polynesian authorities would be prevented from signing and ratifying the Treaty on the Prohibition of Nuclear Weapons. The Council therefore called on France, the United Nations and the international community to support the people of French Polynesia in the full realization of their legitimate aspirations and their right to self-determination.

25. **Ms. Tairua** (Union chrétienne des jeunes gens de Polynésie) said that her organization appreciated the work being done by the International Criminal Court, which defined crimes against humanity as inhumane acts intentionally causing great suffering or serious injury to body or to mental or physical health. Given that the French Government had been fully aware of the consequences of nuclear testing, its actions over 30 years fit within the definition.

26. Her organization fully supported the complaint submitted to the Human Rights Council by the Ma'ohi Protestant Church, which called on the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to undertake a fact-finding mission in the Territory. She also requested that the Committee restore to the draft resolution on French Polynesia the paragraph of the Secretary-General's report on the environmental, ecological, health and other impacts of the 30-year period of nuclear testing in French Polynesia (A/72/74) and the Assembly's request for continuous updates in that regard. That language had already been agreed and adopted as paragraph 11 of General Assembly resolution 72/101.

27. **Mr. Neuffer**, speaking in his personal capacity as a lawyer in Tahiti, French Polynesia, said that constant vigilance by the United Nations in its assessment of the consequences of French nuclear testing in Ma'ohi Nui, which had been perpetuated in violation of basic human rights, was critical to the protection of victims' rights. However, the two reports of the Secretary-General on the environmental, ecological, health and other impacts of the 30-year period of nuclear testing in French Polynesia, published in 2014 (A/69/189) and 2017 (A/72/74), had lacked depth and seemed to suggest that the nuclear testing had had no impact.

28. Furthermore, the draft resolution on the question of French Polynesia had eliminated three paragraphs from General Assembly resolution 72/101, including the paragraph containing the request to the Secretary-General to provide continuous updates on the impacts of nuclear testing. The deletion of that paragraph was completely unacceptable to the people of Ma'ohi Nui, especially those who were affected by the tests. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee on decolonization) had thereby freed the administering Power from its obligations to report to the General Assembly. He therefore requested that the Fourth Committee restore that paragraph to the draft resolution and called on the Special Committee to be more careful in its actions, which could have a deleterious impact on the people who sought its support. Lastly, he expressed concern that the administering Power was quietly covering up its responsibility for the 193 nuclear tests conducted in French Polynesia by enacting compensation legislation (the Morin Law) that had not yet been implemented and, even worse, could reflect its blatant disregard for humanity.

29. **Mr. Oldham** (Association Moruroa e Tatou) said that, with the support of the Ma'ohi Protestant Church, the World Council of Churches and the pro-independence party, his Association had been instrumental in gathering scientific evidence on the French nuclear tests conducted in the islands and had submitted numerous legal claims before the French courts in Tahiti and Paris to assist victims in receiving compensation. Since 2001, the Association had focused on raising awareness of the tests' harmful effects on the health of workers. In 2003, it had begun to collect clear medical evidence that its members had been affected by illnesses caused by exposure to the radioactive fallout from nuclear tests in the Moruroa and Fangataufa atolls, particularly the atmospheric nuclear tests.

30. Following a significant court decision in 2009 that had granted financial compensation to members of the

Association, the French Government had passed the Morin Law, which finally acknowledged the harmfulness of the tests. However, the law had also created a compensation mechanism clearly designed to suppress the number of court cases and reduce the chances of receiving compensation. The administering Power had never respected the victims or genuinely considered them when drafting legislation on the issue. It operated behind the scenes to minimize its responsibility and guilt for the crimes against humanity perpetrated against the people of Ma'ohi Nui. Therefore, civil society organizations representing nuclear victims had a duty to address the relevant United Nations committees in order to demonstrate how nuclear colonialism interfered with the decolonization process.

31. **Mr. Uebe-Carlson** (Association 193), referring to the draft resolution on French Polynesia, said that the deletion of the paragraph on the impacts of French nuclear testing seemed to suggest that the United Nations could no longer provide support to the Polynesian people. His Association stressed the importance of reinserting that paragraph with the obligation imposed on France, under United Nations supervision, to transmit regular reports on the environmental, ecological and health impacts of its nuclear testing in French Polynesia

32. More than 55,000 people had signed a petition calling for a referendum on the effects of French nuclear testing. It was therefore a lie to claim that all was well in French Polynesia and that the people were content. President Fritch had wilfully misrepresented the results of the last election, claiming that they favoured the French State and suggesting that the United Nations no longer had a role to play. However, France could not be allowed to serve as both judge and concerned party for its crimes against humanity. For that reason, his Association sought the intervention of the United Nations to ensure that the French State fully assumed its legal responsibility to compensate the victims of nuclear testing. A veritable genocide was occurring in the short and long term, and the Morin Law, despite its shortcomings, was proof of the State's guilt.

33. The Polynesian people needed the support of the United Nations to acknowledge their suffering, which was called into question by some members of the current Polynesian Government who suffered from Stockholm syndrome.

34. **Mr. Chan** (Association Te Ora Naho) said that French law stipulated that everyone had the right to live in a balanced and healthy environment, and that each person must contribute to repairing the damage he or she had caused the environment.

35. The environmental impacts of the 193 nuclear tests conducted in French Polynesia were extensive, having produced 368 incidents of radioactive fallout throughout the entire Territory, according to a report issued by the Ministry of Defence in 2006 and documents declassified in 2013. Moreover, 3,200 tons of contaminated materials had been dumped into the ocean near the Hao and Mururoa atolls; tons of radioactive waste of every grade had been discharged into the Mururoa lagoons, and highly radioactive materials were stored in wells dug in that atoll; and two wells located less than 50 meters from the ocean contained radioactive waste, in violation of international regulations for storing such waste. The 147 underground explosions had strongly destabilized the geological structures of Mururoa: large faults had appeared; the exterior slopes of the southern zone had collapsed in three places; and a severe risk of collapse existed in the northern zone, which had been weakened by 28 underground tests. Considering the radioactivity levels and presence of plutonium in the seabed, the Mururoa and Fangataufa atolls were definitively unsuitable for any ordinary human activity.

36. Those few examples provided ample justification for maintaining the obligation imposed on France to submit an annual report on the effects of radioactivity in French Polynesia, which should be monitored by independent experts to assess the credibility of its conclusions. He therefore requested that the deleted paragraph concerning the reports of the Secretary-General on nuclear testing be reinserted into the draft resolution on the question of French Polynesia.

37. **Mr. Temaru** (Tavini Huiraatira No Te Ao Maohi party) said that Ma'ohi Nui had been removed from the original list of Non-Self-Governing Territories in 1963, in response to a unilateral request from the administering Power which had been made to prevent the United Nations from having a say in its nuclear testing, which had begun that same year. Contrary to the French version of events, those nuclear tests had been imposed upon the Ma'ohi people under the direct threat of military governance.

38. Since 2013, his party had sought to establish a responsible dialogue between the administering Power and all Ma'ohi political parties, under the scrutiny of the United Nations. The Committee had also called for dialogue, but its requests had been ignored, as if the rules and resolutions of the United Nations only applied to some.

39. Unfortunately, it seemed that France had succeeded in lobbying the Special Committee for the removal from the resolution on the question of French Polynesia of the one paragraph concerning its

responsibility for nuclear testing and the need for it to transmit transparent and comprehensive reports on that issue to the United Nations. As a result, his party had filed a complaint with the International Criminal Court for crimes against humanity which sought to bring forward all living former French presidents who had served since the beginning of nuclear testing.

40. **Mr. Geros** (Tavini Huiraatira Group within the Assembly of French Polynesia) said that the inalienable right of the people of French Polynesia to self-determination and independence had been formally confirmed by the General Assembly in its resolution 67/265. However, the administering Power continued to disrespect the Special Committee, the Fourth Committee and the General Assembly by refusing to accept the six General Assembly resolutions on the self-determination of French Polynesia that had been passed by consensus over the past five years. Furthermore, it disregarded international law and flatly refused to comply with the Charter of the United Nations.

41. Given the global consensus in favour of a legitimate self-determination process for the Territory, his Group once again called on the administering Power to emerge from the diplomatic shadows and comply with its legal obligations under the Charter to cooperate with the United Nations on the decolonization of French Polynesia. Should France wish to argue that the political status of the Territory was not colonial, it should do so in negotiations within that framework.

42. Since the reinscription of French Polynesia on the list of Non-Self-Governing Territories, France had continued to disrespect the petitioners and the General Assembly by refusing to hear the voices of those struggling under colonization. The Group therefore requested the effective presence of the French delegation at each meeting of the Committee.

43. **Ms. Tevahitua** (Association Te Vahine Maohi No Manotahi) said that French Polynesia had never been given an opportunity to address the issue of a permanent political status through a genuine process of self-determination. There were some who believed that the present colonial status was a legitimate form of self-government. As a result, the current proxy Government presented the Committee with the illusion of self-governance at the direction of the administering Power. However, such subterfuge only served to delay the process. The international community must therefore remain vigilant against the colonial platforms being put forth.

44. A genuine process of self-determination would require the United Nations to play a direct role. However, the Organization had been relegated to an observer capacity, and the administering Power was allowed to conduct the process while openly demonstrating a lack of objectivity by expressing its preference for the outcome. Her Association therefore called for a credible education programme to be undertaken in the Territory with regard to a self-determination referendum, consistent with the relevant General Assembly resolutions.

45. Furthermore, her Association called on the administering Power to comply with its obligations under international law, particularly to provide information to the Secretary-General under article 73 *e* of the Charter of the United Nations and to bring the Territory to the full measure of self-government through a genuine self-determination process, in accordance with article 73 *b* of the Charter. She called on the General Assembly to mandate a constructive programme of work for the Territory, to be initiated as a matter of urgency. Lastly, her Association requested the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

46. **Ms. Galenon** (Vahine Piri Rava Women's Association) said that five years had passed since the adoption of General Assembly resolution 67/265, which had reinscribed French Polynesia on the list of Non-Self-Governing Territories. Since that time the Assembly had adopted an annual resolution calling for specific actions to be undertaken in order to advance a genuine process of self-determination. The Polynesian people and the global community must be assured that the United Nations would do more than simply adopt resolutions and would take the necessary steps to implement them as well.

47. The city of Faa'a, Tahiti, had erected a monument commemorating that resolution, and thousands of people had attended its unveiling. They believed in the United Nations system and its commitment to develop a constructive programme of work for the decolonization of French Polynesia. It was important to remain vigilant in that process because modern colonialism did not represent genuine decolonization. The Committee must continue to reject attempts by the proxy colonial representatives to legitimize their illusion of self-government, which was designed to extend the French policy of assimilation and circumvent the decisions of the General Assembly. Lastly, her Association requested the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

48. **Ms.** Valentina **Cross** (Member, City Council of Teva I Uta) said that local elections in the Territory could not be recognized as a substitute for a legitimate act of self-determination. While the proxy Government used the election results to justify the colonial status, its representatives neglected to mention that they benefited greatly from the electoral process. The administering Power had the authority to write and amend electoral ordinances; include French police and military personnel in the electoral rolls; and cancel election results for dubious reasons, such as the colour of the curtains in a polling station, which had occurred in 2017. It also had the authority to grant bonus seats in the Assembly, which were offered to the political party that supported colonial accommodation and so-called autonomy. As a result, the present Government did not represent the majority of French Polynesians and that bias called into question the legitimacy of the election results. Lastly, she wished to request the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

49. **Ms. Atger** (Tae Kwon Do Association and Associated Disciplines of Tahaa Island) said that a comprehensive self-governance assessment for French Polynesia had been conducted in 2013 and had concluded that the Territory's political status had not met the standard of full self-government. Nevertheless, the accommodationist Government, elected under biased electoral procedures, continued to insist on the discredited notion that the colonial model represented self-government. It extoled the virtues of twenty-first century colonialism while omitting any reference to the true nature of the unilateral powers exercised by the administrating Power over the Territory. That contemporary colonial arrangement must be replaced by sustainable and genuine self-government.

50. Her Association also wished to request the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

51. **Mr.** Stanley **Cross**, speaking in his personal capacity as a member of the legal profession in Papeete, said that the impact of the 30-year-period of nuclear testing conducted by France in the Territory and the subsequent obstacles to obtaining just compensation and reparation for victims represented one of the most egregious crimes against humanity. The French Government had been fully aware of the health impacts of nuclear contamination but had continued testing without divulging that information.

52. The Polynesian people acknowledged the leading role that Kazakhstan had played in establishing the International Day against Nuclear Tests in 2009 and would continue to follow closely the activities of the international community in that regard. An independent State of Ma'ohi Nui would support the cessation of nuclear testing and encourage all States to give effect to the Comprehensive Nuclear-Test-Ban Treaty.

53. Finally, his Association wished to request the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

54. **Mr. Villar** (Tavini Huiraatira Group within the Assembly of French Polynesia) said that his Group endorsed the position of the Movement of Non-Aligned Countries, which acknowledged the existence of a special responsibility towards the people affected by nuclear tests. France must be held accountable for the human and environmental damages caused by 30 years of nuclear testing in French Polynesia, which had impacted the entire Pacific region.

55. While the Group appreciated the two reports of the Secretary-General on the environmental, ecological, health and other impacts of the 30-year period of nuclear testing in French Polynesia (A/69/189 and A/72/74), it was disappointed that they had lacked substance. Moreover, the Special Committee had been convinced to remove language from General Assembly resolution 72/101 on the question of French Polynesia in which the Assembly had called for the Secretary-General to continue to review that major issue. He wondered how the truth about the impacts of nuclear testing could suddenly be swept away by bureaucratic indifference. The Group therefore requested that the reporting obligations of the Secretary-General be reinstated in the forthcoming draft resolution.

56. Finally, the Group requested the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

57. **Ms. Panie**, speaking in her personal capacity, said that, through its proxy Government in the Territory, the administering Power clearly sought to downplay the impact of 30 years of nuclear testing. Furthermore, it refused to cooperate with the Committee to begin the decolonization process, as mandated by General Assembly resolution 67/265. France continued to engage in biased shadow diplomacy, which was evidenced by the unacceptable deletion of language in the draft resolution regarding the impact of nuclear testing in French Polynesia and its reporting obligations. Member States should be concerned that such important

language could be quietly deleted in informal consultations and she respectfully requested that it be restored.

58. The United Nations had long been informed of the existence of extensive, independent scientific reports revealing the real impacts of nuclear testing on the islands, but there had been significant bureaucratic resistance to their circulation. According to General Assembly resolution 72/91, information on Non-Self-Governing Territories should be drawn from all available published sources. Those reports should therefore be made available to Member States. However, the administering Power had successfully censored information regarding the true nature of the nuclear tests in French Polynesia, as few references were made in the First Committee, the International Atomic Energy Agency and all other disarmament forums that dealt with nuclear testing. Lastly, she requested the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

59. **Ms. Estall** (Association No'Oe Au Faa'a) said that her Association was disappointed by the skilful omission from United Nations resolutions and working papers of references to public information that presented a detailed picture of the impacts of French nuclear testing on the Polynesian people. It could only conclude that the administering Power used its influence to censor information that would otherwise be available to Member States. France seemingly did not need to abide by its obligation under the Charter of the United Nations to provide information on French Polynesia, as no sanctions had been imposed for its lack of cooperation. If France did indeed have a credible position on the effects of nuclear testing, she wondered why it had not been shared.

60. There was no doubt that the imposition of 30 years of nuclear testing on an unsuspecting population and the concealment of the consequences of radioactive contamination were crimes against humanity. In order to ensure that those crimes were subject to the law, the censorship of scientific studies and analyses must be lifted.

61. Her Association appreciated the consistent recognition by the States members of the Non-Aligned Movement of the right of the Polynesian people to self-determination and independence, in accordance with the Declaration on decolonization.

62. **Mr. Chailloux**, speaking in his personal capacity as a professor of Tahitian language, said that French Polynesia was one of the last vestiges of contemporary European colonialism in the Pacific. The proxy, accommodationist leadership was elected through a distorted electoral system that reinforced its position as an occupied Territory. The consistent political, diplomatic and material support of the Non-Aligned Movement had been a major catalyst for the independence of many former colonies. As a result, the elected pro-sovereignty block in the Assembly of French Polynesia counted on the continued support of the Movement in promoting self-determination and independence for French Polynesia, in line with its long-standing mandate and General Assembly resolution 1514 (XV). He called on States members of the Movement to stand firm on its core principles and recall that they too had suffered under colonialism. He also requested the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

63. **Mr. Taerea** (Association Blue Djeun's No Maohi Nui) said that the inalienable rights of the Ma'ohi people had been formally recognized by General Assembly resolution 67/265. Those rights included the right to own, control and have permanent sovereignty over its natural resources, including marine resources and underseas minerals within its exclusive economic zone. France seemingly refused to acknowledge the reinscription of Ma'ohi Nui on the list of Non-Self-Governing Territories in order to continue to illegally exploit those natural resources for its own benefit. In defiance of the international community, it had issued a presidential decree to claim so-called strategic resources and had done so with impunity.

64. In further disregard for the rights of the Ma'ohi people, the administering Power had announced plans to claim an extended continental shelf in the Territory's waters through the Commission on the Limits of the Continental Shelf. A recent decision by the Commission had already allowed France to claim 500,000 square kilometres in the waters of New Caledonia, even though a forthcoming referendum on independence could return ownership of those resources to the Kanak people. Such decisions granting administering Powers the rights to the natural resources of the Non-Self-Governing Territories which they administered were inconsistent with the relevant decisions of the International Court of Justice, the General Assembly and the Office of Legal Affairs. The Special Committee should therefore request that the Commission clarify its position.

65. **Mr. Brotherson** (French Polynesian Deputy to the National Assembly of France) said that, despite the inspiring speech delivered by President Macron before the General Assembly in favour of sovereignty and

multilateralism, the French delegation continued to leave the room during the discussion of French Polynesia. He wondered how long the administering Power would be allowed to treat the decolonization of Ma'ohi as a bilateral non-issue.

66. The Committee had not heard from representatives of the administering Power, only representatives of the accommodationist Government who wished to remain colonized forever. They had invited members of the Committee to visit the country, but he stressed that a standing invitation to host a visiting mission had been issued since 2013. Despite their claims, there was no provision for a proper referendum on self-determination in the French Constitution. They had mentioned the land tribunal but had not mentioned that it was worthless, as it would be toppled by the Civil Code, under which French Polynesia had no power. Furthermore, the amount of money allocated to compensate victims of nuclear testing, under the Morin Law, was equivalent to the amount allocated for the removal of canine excrement within the budget of Paris. Perhaps the representatives of the accommodationist Government did not realize that their success would silence the voices of all Ma'ohi people within the United Nations.

67. **Mr. Tuheiava** (Member of the Assembly of French Polynesia) said that the issue of natural resources was critical to the Territory's future sustainable development. The absence of the administering Power from discussions clearly indicated that it did not wish to confront the Ma'ohi people as it continued to exploit their resources and violate international norms. Since 2013, statements made in the Special Committee and the Fourth Committee had consistently highlighted the actions that impeded the right to self-determination; the considerable political, social and economic inequalities inherent in the colonial arrangement; and the financially exploitative relationship with France, in violation of decades of relevant United Nations resolutions.

68. That financial exploitation took many forms, including the stubborn retention of the Territory's natural resources. The United Nations Convention on the Law of the Sea extended French sovereignty over the undersea and seabed resources within, as well as the aerial zone above, the exclusive economic zone of Ma'ohi Nui. French law gave the administering Power unilateral control over the market of strategic raw materials. In addition, aviation taxes and overflight fees paid by airlines landing at the Tahiti-Faa'a International Airport were collected by the French Government, but no revenue was provided to the city of Faa'a. Furthermore, the French spatial programme, based in French Guiana, had been a tremendous source of income for France, and hundreds of satellites crossed the spatial zone above the exclusive economic zone of Ma'ohi Nui every hour. Finally, the administering Power used the Territory as an asset to gain favourable loans in global financial markets.

69. **Mr. Bessedik** (Algeria) said that a number of references had been made in the Fourth Committee and the Special Committee to the removal of a paragraph of General Assembly resolution 72/101 that called on the Secretary-General to provide continuous updates on the impacts of nuclear testing in French Polynesia. He wished to know what effect the deletion of that language would have.

70. **Mr. Tuheiava** said that the deletion of the paragraph was disappointing and undermined the very purpose of the resolution. It attempted to relieve the Secretary-General of his responsibility to remain seized of the ongoing environmental, ecological and health impacts of French nuclear testing. It also indirectly, but intentionally, relieved the administering Power of its legal obligations under the Charter of the United Nations to transmit such information. He asked why such an effort was being made to limit United Nations oversight on the matter and why no proactive approach was taken to collaborate with United Nations bodies that dealt with issues related to nuclear testing.

Question of Gibraltar (A/C.4/73/3 and A/C.4/73/3/Rev.1)

71. **Mr. Garcia** (Deputy Chief Minister of Gibraltar) said that much progress had been made on decolonization in the years following the Second World War, and there were now less than 2 million people living in Territories dependent on colonial powers. However, only one Territory had been removed from the list in the past 30 years, since the establishment of the first International Decade for the Eradication of Colonialism.

72. In the communiqué adopted at the Overseas Territories Joint Ministerial Council, held in November 2017, the Government of the United Kingdom and the Governments of its Overseas Territories had declared that the principle of equal rights and self-determination as enshrined in the Charter of the United Nations applied to the peoples of the Overseas Territories and that the United Kingdom would continue to support delisting requests. To that end, Gibraltar and the United Kingdom had stated that they would welcome a visiting mission, but the United Nations had not come. In 2006, Gibraltar and the United Kingdom had agreed upon a new Constitution, under which Gibraltar enjoyed a greater degree of self-governance than ever before. The Constitution had been submitted to the Special Committee, and once again, there had been no reply.

Since 1963, Gibraltar had been addressing the United Nations as an enthusiastic supporter of decolonization, but the lack of response seemed to suggest that the United Nations did not wish to work with Gibraltar. Gibraltarians had freely and democratically expressed their wishes, but Spain impeded progress on those issues; its outdated attitude towards Gibraltar had caused the decolonization process to stall.

73. In March 2019, the United Kingdom and Gibraltar would be leaving the European Union, which would create a challenge for both Gibraltar and Spain. The land border between the two continued to be used as a political weapon. Border controls conducted by Spain had often caused lengthy delays for traffic and pedestrians crossing in either direction. In 2016, the Government of Spain had threatened to close the border, as it had done under the Spanish Dictator General Franco nearly 50 years earlier. It had said that a relationship with the European Union would be possible only if Gibraltar agreed to shared sovereignty with Spain, which 98 per cent of Gibraltarians had rejected in a 2002 referendum. However, since the beginning of 2018, Spain and Gibraltar had engaged in direct discussions to protect the people on both sides of the border. The Government of Gibraltar welcomed that positive approach, based on dialogue and cooperation rather than conflict and confrontation, and stood ready to engage with the Spanish Government in forming a new relationship that would benefit Gibraltarians and their neighbours.

74. His Government also hoped to work with the Special Committee and the Fourth Committee to remove Gibraltar from the list of Non-Self-Governing Territories. The days when countries and regions could be handed over from one monarch to another without the consent of their people had ended long ago.

75. **Mr. Matthews** (Self-Determination for Gibraltar Group) said that the United Nations had stated on numerous occasions that all Non-Self-Governing Territories, including Gibraltar, had the right to self-determination. Therefore, he could not understand why the Committee appeared reluctant to either recognize that Gibraltar had been decolonized or explain what further steps must be taken.

76. Gibraltar had recently celebrated the twenty-fifth anniversary of its National Day, which also commemorated the 1967 referendum. Gibraltarians had paid a heavy price for exercising their democratic right, as Spain had closed its border and separated entire families. They had bravely stood up to the Spanish Dictator, and the Gibraltarian identity had been galvanized and strengthened.

77. Although Gibraltar had overwhelmingly voted against Brexit, as part of the British family it would leave the European Union. While some in Spain had seen Brexit as an opportunity to once again attack and intimidate Gibraltar, a more moderate party was now in power and had chosen a different approach.

Question of New Caledonia (A/C.4/73/5 and A/C.4/73/5/Rev.1)

78. **Mr. Germain** (President of the Government of New Caledonia) said that, with the implementation of the Matignon Accords and the Nouméa Accord, New Caledonia had experienced 30 years of peace, collaboration and economic and social development. Rebalancing initiatives had begun in 1989 in order to increase the representation of pro-independence sympathies. As a result, pro-independence parties governed two of the three provinces and 20 of the 33 communes. Rebalancing initiatives had also been undertaken with regard to the budget, public infrastructure and the economy. Pro-independence provinces had acquired a 51-per-cent share in the largest mining company in the country, as well as two metallurgical plants, one in New Caledonia and one in the Republic of Korea.

79. To promote recognition of the Kanak identity, the Government had created the Customary Senate, the Tjibaou Cultural Centre and an agency for the development of Kanak culture. In addition, there were customary judges in civil cases, the Kanak language and culture were being taught in schools and 51 per cent of private land had been redistributed to the Kanak people.

80. The transfer of power had allowed New Caledonia to govern itself. France maintained responsibility only for foreign affairs, judicial affairs, defence, public order and currency. With regard to foreign affairs, New Caledonia was still able to participate in regional and international forums, establish relations and bilateral accords with its neighbours and promote regional economic exchanges. In 2019, five delegates would represent New Caledonia within French embassies across Melanesia.

81. In the past 30 years, the gross domestic product had risen by 250 per cent to become the highest in the Pacific region, after that of Australia and New Zealand, and the employment rate had doubled. Caledonians now had priority in employment, and the minimum wage had been doubled. In addition, a vast social protection plan had been established to combat persistent inequalities. In education, the baccalaureate rate was now at 78 per cent, and an education project had been established in 2016 to address the needs of

young people who had emerged from the school system without qualifications.

82. The Government had launched an economic diversification plan to reduce its dependence on nickel, increase its holdings in agriculture and energy, and develop the tourism and export sectors. It had also established an independent authority to monitor competition and would replace taxes on imports with a value added tax. With regard to the environment, under the Paris Agreement under the United Nations Framework Convention on Climate Change, New Caledonia planned to reduce its greenhouse gas emissions by achieving exclusive reliance on renewable energy sources by 2030. The Government had also listed its exclusive economic zone as a national park.

83. A referendum on self-determination would be held on 4 November 2018. In preparation, all political forces had engaged in consultations to determine the date, the wording of the question and the electoral list. United Nations experts had aided in creating an inclusive and exhaustive list, which included 174,154 voters. Voters had been automatically registered, and those on the island of Grand Terre would be able to vote at special polling stations. Furthermore, voting procedures would be monitored by representatives of the Government as well as the United Nations. Every possible effort had been made to allow the people of New Caledonia to choose their future, and he hoped that pro- and anti-independence Caledonians could continue to live in peace and prosperity after the referendum. To that end, the main political powers had drafted two significant documents to highlight the aspects that united Caledonians: a charter of Caledonian values and an assessment of the Nouméa Accords, which would also serve to evaluate the path that had been taken and identify the work that still needed to be done.

The meeting rose at 6.15 p.m.